

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL DOCKET NOS.: 5:97CR300
5:99CR48

FILED
STATESVILLE, N.C.
NOV 13 2006
U.S. DISTRICT COURT
W. DIST. OF NC

UNITED STATES OF AMERICA)	
)	
vs.)	FINAL PROPERTY
)	DISPOSITION ORDER
GREGORY ROLAND PRUESS,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the "Update and Final Settlement Agreement Regarding Defendant's Claims for Seized Property," filed by the parties on August 25, 2006. In accordance with that Settlement Agreement, and under the terms agreed to by both parties, **IT IS, THEREFORE, ORDERED** that:

1. As it relates to those unregistered NFA firearms that the Court ordered condemned and forfeited to the United States, the Government shall mitigate the forfeiture by permitting the removal of all non-regulated items (e.g., items that are not in and of themselves "firearms" as defined by Federal law) via the use of simple hand tools from the following NFA firearms: Items 151, 153, 155, 169, 175, 179, 181, 183, 187, 188, 201, 213, 216, 222, 223, 264, 265, 273, 276, 288, 291, 292, 294, 323, 331, 342, 349 and 357. The removal of said parts will be completed by an employee of ATF's Firearms Technology Branch within 30 days of the issuance of this Order. Upon removal of the non-regulated parts, they shall be returned to Gregory Roland Pruess.

2. As it relates to Item 285, an unregistered NFA firearm that the Court previously ordered condemned and forfeited to the United States, the Government shall mitigate the forfeiture of this firearm by permitting the removal of the "stock" from the pistol to which it is

currently attached. The removal of the stock shall be completed by an ATF employee within 30 days of the issuance of this Order. Upon removal of the stock, the pistol shall be returned to Vahan Kalerchian, as part of an agreement that Gregory Roland Pruess claims to have entered into with Mr. Kalerchian. In exchange, Gregory Roland Pruess shall abandon the stock to the Government

3. As noted above, Items 151, 181, 213, and 265 are NFA firearms that the Court previously condemned and forfeited to the United States. In addition to the removal of the unregulated parts discussed in Paragraph 1 above, the Government shall also mitigate the forfeiture of these firearms by having an employee of ATF's Firearms Technology Branch cut off the barrel assemblies of these firearms within 30 days of the issuance of this Order. The barrel assemblies will then be returned to Gregory Roland Pruess.

4 As it relates to Item 310, the Government shall remove the suppressor from the pistol. The pistol, a GCA firearm, shall be transferred to the personal representative of Gregory Roland Pruess. ATF shall permit Gregory Roland Pruess an additional 30 days after the issuance of this Order to arrange for the lawful transfer of the suppressor, a registered NFA firearm, via the filing of a properly executed ATF Form 4 with ATF's National Firearms Act Branch. To the extent that Gregory Roland Pruess does not submit a properly executed Form 4 with ATF within this time period, the suppressor will be considered abandoned.

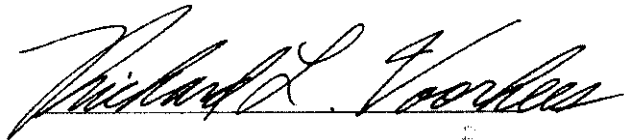
5. As it relates to Items 149, 255, 256, 261, 277, 297, 302, 304, 310, 343, 361 and 362, ATF agrees to allow the transfer of these registered NFA firearms to a licensed NFA dealer upon the submission, within 30 days of the issuance of this Order, of properly completed ATF Forms

4. To the extent that properly executed Forms 4 are not submitted to ATF within this time period, Gregory Roland Pruess agrees to abandon these items to ATF.

6. Pursuant to 26 U.S.C. § 5872 and 28 U.S.C. § 2461(c), Gregory Roland Pruess forfeits all of his right, title and interest in all properly seized from him which has not either already been returned to him or his personal representative, and/or is not described above. Said property is subject to forfeiture to the United States because the property was involved in a violation of 26 U.S.C. § 5861.

7. Gregory Roland Pruess waives all interests in and claims to the property described above, and hereby consents to the forfeiture of the property to the United States. Gregory Roland Pruess hereby waives, and agrees to hold the United States and its agents and employees harmless from any and all claims whatsoever in connection with the seizure, forfeiture and disposal of the property described herein. Gregory Roland Pruess waives all constitutional and statutory challenges of any kind to any forfeiture carried out pursuant to this agreement. Without limitation, Gregory Roland Pruess understands and agrees that by virtue of this agreement, he will waive any rights or cause of action that he might otherwise have had to claim that he is a "substantially prevailing party" for the purpose of recovery of attorney fees and other litigation costs.

Signed: November 8, 2006

A handwritten signature in black ink, appearing to read "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

